

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2013-963**

12 **LEIGH SANDERS OWENS**
13 **7336 Bellville Dr.**
Germantown, TN 38138

A C C U S A T I O N

14 **Registered Nurse License No. 588988**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about October 11, 2001, the Board issued Registered Nurse License Number
23 588988 to Leigh Sanders Owens ("Respondent"). Respondent's registered nurse license expired
24 on July 31, 2007.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action . . .

15 COST RECOVERY

16 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

22 CAUSE FOR DISCIPLINE

23 **(Disciplinary Action by the North Carolina Board of Nursing)**

24 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
25 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
26 by the North Carolina Board of Nursing ("North Carolina Board"), as follows: On or about
27 March 12, 2010, the North Carolina Board invoked the voluntary surrender of Respondent's
28 Registered Nurse Certificate No. 155980 due to Respondent's violation of the AP (Alternative

1 Program for Chemical Dependency) contract. A true and correct copy of the Board's Order to
2 Invoke Voluntary Surrender Following Non-Compliance with Alternative Program for Chemical
3 Dependency is attached hereto as **exhibit A** and incorporated herein.

4 **PRAYER**

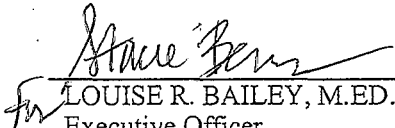
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 588988, issued to Leigh
8 Sanders Owens;

9 2. Ordering Leigh Sanders Owens to pay the Board of Registered Nursing the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: April 25, 2013

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16 LOUISE R. BAILEY, M.ED., RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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EXHIBIT A

**Order to Invoke Voluntary Surrender Following Non-Compliance
with Alternative Program for Chemical Dependency**

**ORDER to Invoke Voluntary Surrender Following
Non-Compliance with
Alternative Program for Chemical Dependency (AP)**

Before the Board of Nursing of the State of North Carolina


Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **invokes the voluntary surrender** of the Registered Nurse license of Leigh Sanders Owens for violation of the **AP** contract.

- 1) Leigh Sanders Owens is the holder of Registered Nurse Certificate #155980 in the State of North Carolina which expires on 06/30/2010.
- 2) On **8/7/2008**, Leigh Sanders Owens signed a **contract** for participation in the Board's **AP**.
- 3) Participation in the program requires that the Licensee must adhere to all the provisions of the **contract**.
- 4) The **contract** conditions clearly state that if evidence was received of non-compliance with the terms of the **contract**, participation in the program would be terminated and the license would be **voluntarily surrendered** for **a minimum of one (1) year** and until the Licensee submits evidence of **a minimum of one (1) year of sobriety**.
- 5) On **3/12/2010** it was determined Leigh Sanders Owens **failed to comply with the terms of the AP contract**.
- 6) Therefore, the license of Leigh Sanders Owens is hereby **VOLUNTARILY SURRENDERED** and the Licensee must immediately **CEASE AND DESIST** from the practice of Nursing in North Carolina.
- 7) Because the violation constitutes a breach of a contract, with specified consequences related to such breach, there is no right to appeal this decision.
- 8) This ORDER to **Invoke Voluntary Surrender** will be placed in the Licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 9) The Licensee's name will appear on the Board's Website indicating that the license was **voluntarily surrendered** for non-compliance with program requirements.
- 10) During the time of **voluntary surrender**, the Licensee is not to work as an NAI, and it will be recommended to Division of Health Services Regulation that the Licensee not be allowed to list as a NAI.

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- 11) All disciplinary actions taken by the Board of Nursing will be reported to the appropriate entities as outlined in Board policy, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: NURSUS; National Practitioner Databank (NPDB); the office of the Inspector General; Healthcare Integrity and Protection Databank (HIPDB); and any other state/jurisdiction in which we know the Licensee is or has been licensed.

This the 12th day of March, 2010.


Kathleen G. Privette BN, MSN, CNAA-BC
Consultant, Drug Monitoring Programs

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